

CITY COUNCIL AGENDA

APRIL 20, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Chirco; Gonzales. (Excused)

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chirco; Gonzales. (Excused)

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Chirco; Gonzales. (Excused)
- **Invocation (District 4)**
Jeff Moore, Emmanuel Baptist Church recited a prayer of blessings, guidance, and thankfulness.
- **Pledge of Allegiance**
Vice Mayor Dando led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring April 2004 as Earthquake Preparedness Month in San José. (Emergency Services)
Vice Mayor Dando invited Dr. Frannie Edwards, Director of Department of Emergency Services, to the podium. Vice Mayor Dando remarked that the City of San José is fortunate to have Dr. Edwards in charge of Emergency Preparedness, and commented that San José has been recognized across the nation as an outstanding example of how cities can become prepared for emergencies. Vice Mayor Dando stated California has experienced major earthquakes in recent years, including the 7.1 magnitude Loma Prieta earthquake on October 17, 1989, and the 6.7 magnitude Northridge earthquake on January 16, 1994, which resulted in injury, loss of life, extensive property damage and community disruption. Vice Mayor Dando, on behalf of Mayor Gonzales, and the City Council, proclaimed April 2004 as Earthquake Preparedness Month in San José, and urged all residents to join San José Prepared to become aware of appropriate safety measures, and take steps to protect themselves, their families, and their neighborhood against the possibility of earthquakes striking within this region. Vice Mayor Dando presented a plaque to Dr. Edwards, and she thanked Vice Mayor Dando, Mayor Gonzales and the City Council, and invited everyone to visit the exhibit of pictures in City Hall depicting the damage caused in San José by the 1906 earthquake.
- 1.2 Presentation of a commendation to the NAACP, Rick Callender, President, in honor of the 50th Anniversary of "Brown vs. Board of Education," the 1954 landmark case led by Thurgood Marshall who later became the first African-American member of the Supreme Court. (Reed)
Vice Mayor Dando was joined at the podium by Council Member Reed. Council Member Reed remarked this year is the 50th Anniversary of the Supreme Court's decision in the case of "Brown versus the Board of Education", and invited Jeff Moore, and Rick Callender, President NAACP, to the podium. Council Member Reed stated for over fifty years the NAACP has united people of all nationalities, races, and religious denominations on one premise, "that all men and women are created equal, and all Americans are entitled to equal rights". He declared that as the Nation's oldest civil rights organization, the NAACP has changed the heart of this country. Council Member Reed, on behalf of Mayor Gonzales, Vice Mayor Dando and the City Council, recognized and commended the NAACP of Silicon Valley for its continuing commitment to ensure that all Americans, regardless of race, heritage or creed, enjoy civil rights. Mr. Callender thanked Mayor Gonzales, Vice Mayor Dando, Council Member Reed and the City Council, on behalf of the 3,700 members of the San José, Silicon Valley Branch of the NAACP, for this honor.

1 CEREMONIAL ITEMS

- 1.3 Presentation of a proclamation declaring April as National Volunteer Month in San José.
(Dando; Mayor)
(Rules Committee referral 4/14/04)

Heard in the Evening.

Vice Mayor Dando invited Margaret Wagenet, Sandra Freitas, and Manuel Perez from Volunteer San José Program and Adopt-A-Park Program, and Tom Quigley and Chin Song from Volunteer Center of Silicon Valley, to the podium. Vice Mayor Dando remarked giving freely to others is one of the noblest of human enterprises, and 2004 marks the 31st annual celebration of International Volunteer Week to recognize the efforts of dedicated community volunteers. She stated there are 100 million volunteers working in their communities to contribute their time, talents and energy to make a difference in the lives of others. Vice Mayor Dando commented that in the past 5 years more than 20,000 volunteers have joined in San José's fifty volunteer programs helping to wipe out graffiti, making San José the national leader in emergency preparedness, and adopting every one of the 146 neighborhood parks in San José. She remarked that the partnership between the City of San José and the Volunteer Center of Silicon Valley is another example of local government and community organizations working together to offer comprehensive opportunities for residents to become engaged in improving San José. She stated the Volunteer Center of Silicon Valley is Santa Clara County's premier agency for connecting volunteers with community needs and programs to feed the hungry, shelter the homeless, serve the arts and teach children. Vice Mayor Dando, on behalf of Mayor Gonzales and the City Council, proclaimed April as National Volunteer Month in San José, and commended the strong leadership of Tom Quigley and the Volunteer Center of Silicon Valley Board of Directors, and Margaret Wagenet, the 50 successful programs, and the countless volunteers working to improve the quality of life for the residents in our community. Ms. Wagenet and Mr. Quigley thanked Mayor Gonzales, Vice Mayor Dando, and the Council Members for the recognition, and their support.

1 CEREMONIAL ITEMS

- 1.4 Presentation of a proclamation in honor of “Jeans to Work Day.” (Chavez)
(Orders of the Day)

Vice Mayor Dando was joined at the podium by Council Members Chavez, Campos, and LeZotte. Council Member Chavez invited Keri McLain, Chief Executive Officer of the Santa Clara Valley YWCA, and Sandy Davis, Rape Crisis Director, to the podium. Council Member Chavez remarked that in 1999 the Italian Supreme Court decided to overturn a rape conviction because the victim was wearing jeans at the time she was assaulted; and the following Wednesday, people around the world demonstrated their solidarity and commitment to ending sexual assault by wearing “Jeans to Work”. Council Member Chavez stated Mayor Gonzales, Vice Mayor Dando, and Council Members LeZotte, Campos and Chirco, have joined her to proclaim Wednesday, April 21, 2004 as “Jeans to Work Day” in the City of San José. Council Member Chavez commented that sexual violence contributes to the deterioration of our community’s well being, and solutions require all of us to recognize that there is no place for sexual violence in our families, schools, work places and community. Council Member Chavez presented the plaque to Ms. McLain. Ms. McLain, and Ms. Davis thanked Mayor Gonzales, Vice Mayor Dando and the City Council for their support. Ms. Davis urged everyone to take an active part in raising awareness about this important issue and to support those whose lives have been affected by sexual assault. Council Member Chavez mentioned the YWCA has put together a self defense class that is available to the community, and next Tuesday, April 27, 2004 at 12:30 p.m., in partnership with Parks, Recreation and Neighborhood Services, at the Circle of the Palms in the downtown area, there will be a demonstration on some of those techniques. Vice Mayor Dando urged everyone to wear jeans tomorrow in support of Sexual Assault Awareness Month.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.
There were none.

- 2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27113 – Amends Chapter 13.48 of Title 13 of the San José Municipal Code by adding a new Part 5 to establish a process for designating Conservation Areas.

Ordinance No. 27113 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (b) ORD. NO. 27114 – Rezones certain real property situated on the south side of The Alameda, approximately 90 feet westerly of Newhall Street (2115 The Alameda). C 04-015

Ordinance No. 27114 adopted.

- (c) ORD. NO. 27115 - Rezones certain real property situated on the east side of San Felipe Road, 450 feet southerly of Aborn Road (3320 San Felipe Road) to R-1-5 Residence Zoning District. C 04-021

Ordinance No. 27115 adopted.

2.3 Approval to apply for the 2004 Urban Area Security Initiative Grant Program.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to submit a grant application to the United State Department of Homeland Security; and negotiate and execute the grant, if awarded, in an amount not to exceed \$9.9 million.

Resolution No. 72057 adopted.

- (b) Adoption of a resolution authorizing the Assistant City Manager, the Director of the Office of Emergency Services, or an Assistant to the City Manger to execute any documents required for the purpose of obtaining federal financial assistance provided for under the grant award as reimbursement for UASI Program expenditures.

CEQA: Not a Project. (City Manager's Office)

Resolution No. 72058 adopted.

2.4 Approval of a contract change for the Airport Remote Transmitter Receiver Project.

Recommendation:

- (a) Approval of Contract Change Order No. 1 with GSE Construction, Inc., for the Norman Y. Mineta San José International Airport-Remote Transmitter Receiver Project, in the amount of \$160,000, for a total contract amount of \$1,804,400, and approval to increase the project contingency from \$164,000 to \$324,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Airport Renewal and Replacement Fund:

- (1) Increase the Remote Transmitter Receiver Relocation appropriation by \$160,000.

- (2) Decrease the Airline Ticket Counter Space appropriation by \$160,000.

CEQA: Resolution Nos. 67380 and 71451, PP04-04-107. (Public Works/Airport/City Manager's Office)

Ordinance No. 27121 adopted.

2 CONSENT CALENDAR

2.5 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) (1) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Fuller Avenue Park Project (PSM 356) with a net impact to the fund of \$100,000.

Ordinance No. 27122 adopted.

Resolution No. 72059 adopted.

- (2) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Fuller Avenue Park Project, as more specifically described in the memorandum from the Redevelopment Agency dated March 15, 2004.

CEQA: Exempt, PP04-03-089. Council District 6. SNI: Greater Gardner. (City Manager's Office)

Resolution No. 72060 adopted.

- (b) (1) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Spartan Keyes Traffic Calming Project (PSM 350), the Spartan Keyes Noise Study Project (PSM 351), and the Blackford Tree Replacement Project (PSM 347), with a net impact to the fund of \$31,500.

Ordinance No. 27123 adopted.

Resolution No. 72061 adopted.

- (2) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Spartan Keyes Traffic Calming Project, the Spartan Keyes Noise Study Project, and the Blackford Tree Replacement Project, as more specifically described in the memorandum from the Redevelopment Agency dated March 8, 2004.

CEQA: Not a Project. Council Districts 1 and 3. SNI: Blackford, Spartan/Keyes. (City Manager's Office)

Resolution No. 72062 adopted.

2.6 Approval to revise the form Facility Use Agreement used by the Convention Center and Cultural Facilities.

Recommendation: Adoption of a resolution approving a revision to the form Facility Use Agreement between Convention & Cultural Facilities (CCF) clients and the City to add a mutual indemnification clause. CEQA: Not a Project. Council District 3. (Conventions, Arts and Entertainment)

Resolution No. 72063 adopted.

2 CONSENT CALENDAR

2.7 Approval of actions for developing Community Safety Protocols.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$46,882, for developing Community Safety Protocols. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Deferred to 4/27/04.

2.8 Approval to accept a grant for after school programs and youth center sites.

Recommendation: Adoption of a resolution authorizing the City Manager to accept a grant from 3Com Corporation valued by 3Com at \$100,000, and to execute all necessary documents to provide equipment and assistance to after school programs and youth center sites. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/Information Technology)

Resolution No. 72064 adopted.

2.9 Approval of an agreement with Community Foundation of Silicon Valley.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an amendment to the agreement with the Community Foundation of Silicon Valley for revised grant guidelines for the University Neighborhoods Coalition. CEQA: Not a Project. Council District 3. SNI: University. (Parks, Recreation and Neighborhood Services)

(Rules Committee referral 4/14/04)

Resolution No. 72065 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – April 7, 2004

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review April 20, 2004 Draft Agenda

The Committee recommended approval of the April 20, 2004 City Council agenda with one addition.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 7, 2004 (Cont'd)

Vice Mayor Dando, Chair

(b) City Council (Cont'd.)

(2) Add New Items to April 13, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended three additions to the April 13, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are two Staff reports outstanding for the April 13, 2004 Council Agenda.

(c) Legislative Update

(1) State

There was no report.

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointment to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Results of outreach and negotiation for "Evergreen Specific Plan Construction Tax, Building and Structures Tax, and Residential Construction Tax Fee Suspension/Exemption Renewal"

(Continued from 3/3/04.) (Recommend 30-Day Deferral)

The Committee recommended a 30-day deferral of this item and directed the Administration to return to Rules Committee next week with a written report explaining the deferral.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 7, 2004 (Cont'd)

Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (2) Approval to add an audit of the Family Camp Program to the City Auditor's FY 2004-05 work plan
The Committee recommended approval to add an audit of the San José Family Camp to the City Auditor's 2004-05 work plan.
 - (3) Request for workload assessment for high-rise safety regulation review
The Committee directed the Administration to return to the Rules Committee on April 21, 2004 with a preliminary workload assessment to review high-rise safety regulations, to include policing needs and fire safety issues, such as breathing apparatus, electrical backup and radio coverage.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting was adjourned at 2:15 p.m.

The Rules Committee Report and the Actions of April 7, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – April 8, 2004

Council Member Yeager, Chair

- (a) Civic Center Childcare Update
- (b) Update on Schools/City Collaborative Joint Use Agreements – Discussion on how we can better work with schools
- (c) Discussion on Gang Prevention and Intervention Programs
- (d) San José After School Implementation Update and Discussion of Priorities for Youth Programs
- (e) Oral petitions
- (f) Adjournment

Deferred to 4/27/04.

5.2 Approval to name the new branch library on Tully Road the “Tully-New Saigon Branch Library.”

Recommendation: Approval to name the new branch library currently being constructed on Tully Road the “Tully-New Saigon Branch Library.” CEQA: Not a Project. Council District 7. (Library/Library Commission)

Heard in the Evening.

The memorandum from Mayor Gonzales and Council Member Gregory, dated April 19, 2004, was approved with the following conditions:

- (1) Amend the recommendation of the Library Commission to name the branch library currently being constructed on Tully Road from the “Tully-New Saigon Branch Library” to the *“Tully Community Branch Library”*.
- (2) Through the office of Council Member Gregory, work with District 7 community leaders and leaders from the Vietnamese-American community to explore alternatives to recognize the valuable contributions of the Vietnamese-American community to the City of San José.

5.3 Approval to award a contract for the Almaden Community Center and Branch Library.

Recommendation: Adoption of a resolution authorizing the City Manager to award a contract for the construction of the Almaden Community Center and Branch Library Project to the apparent low bidder, West Bay Builders, Inc., to include the base bid and Add Alternate No. 2 in the amount of \$17,564,000, and approval of a contingency in the amount of \$1,757,000, if certain conditions do not occur. CEQA: Mitigated Negative Declaration, PP02-10-309. Council District 10. (Public Works/Library/Parks, Recreation and Neighborhood Services)
(Orders of the Day)

Resolution No. 72066 adopted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – April 5, 2004

Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Taxicab Service Model Report
 - (2) Report on Bay Area Rapid Transit (BART) Environmental Analysis
 - (b) Traffic Relief/Safe Streets
 - (1) Traffic Calming Program and Public Education Campaign “Street Smarts”
 - (2) Business District Streetscape Implementation and Maintenance Report
 - (3) Annual Street Maintenance Report
 - (c) Supporting Smart Growth
 - (1) No items
 - (d) Regional Relationships/Funding/Policy
 - (1) Update on the Santa Clara Valley Transportation Authority (VTA), Valley Transportation Plan (VTP) 2030
 - (e) Oral petitions
 - (f) Adjournment
- (Rules Committee referral 4/7/04)
Deferred to 5/4/04.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval to amend an agreement for the Runway 30 Left Reconstruction Project at the Airport.

Recommendation: Approval of the third amendment to the agreement with Kimley-Horn and Associates, Inc. for the Norman Y. Mineta San José International Airport – Runway 30 Left Reconstruction Project increasing the compensation by \$600,000, for a total agreement amount not to exceed \$5,940,000, and extending the term from June 30, 2004 to December 31, 2005. CEQA: Resolution Nos. 67380 and 71451, PP04-03-086. (Public Works/Airport)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board was convened at 2:03 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval to award a contract for the Plata Arroyo Park Skate Facility Project.

Recommendation:

- (a) (1) Acceptance of the report on bids and award a contract for the Plata Arroyo Park Skate Facility Project to the lowest responsive bidder, Robert A. Bothman, Inc., to include the base bid in the amount of \$382,361, Add Alternate No. 3 in the amount of \$17,400, and a 10% contingency allocation in the amount of \$38,000.

Approved.

- (2) Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
- (a) Establishing an appropriation to the Department of Parks, Recreation and Neighborhood Services for Plata Arroyo Park Skate Facility Project (PSM 366) in the amount of \$94,300; and
- (b) Increasing the estimate for Earned Revenue by \$94,300.

Ordinance No. 27124 adopted.

Resolution No. 72067 adopted.

- (3) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements in connection with the Plata Arroyo Park Skate Facility Project.

Resolution No. 72068 adopted.

- (b) Adoption of a resolution by the Agency Board making certain determinations regarding the Plata Arroyo Park Improvements Project's benefit to the Strong Neighborhoods Initiative Project Area.

CEQA: Exempt, PP03-08-251. Council District 5. SNI: Gateway East. (City Manager's Office/Redevelopment Agency)

(Deferred from 4/6/04 – Item 2.16 and 4/13/04 – Item 2.11)

Redevelopment Agency Board Resolution adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 2:05 p.m.

- **Closed Session Report**
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None

- **Open Forum**
 - (1) **Mark Trout spoke on the issue of same sex marriage.**
 - (2) **Ross Signorino spoke on freedom of speech and extending the Council Session break in July.**

- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 2:05 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:04 p.m.)

11.1 Public Hearing on planned development rezoning of the property located at 1629 Alum Rock Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Alum Rock Avenue, approximately 200 feet southwesterly of 34th Street (1629 Alum Rock Avenue), from R-2 Two-Family Residence Zoning District and CG Commercial General Zoning District to A(PD) Planned Development Zoning District, to allow a radio station use on a 0.33 gross acre site. (Dolores M. Viera and S. Batista, Owner). CEQA: Exempt. SNI: Five Wounds/Brookwood Terrace.

PDC 03-090 - District 5

(Continued from 3/16/04 – Item 11.10 and 4/6/04 – Item 11.1)

Continued to 5/18/04.

11.2 Public Hearing on conforming prezoning of the property located at 51 Pala Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located on the west side of Pala Avenue, approximately 60 feet northeasterly of Avenue A (51 Pala Avenue), from Unincorporated County to R-1-8 Residence Zoning District, to allow residential use on a 0.14 gross acre site. (Fernando E. Po, Owner). CEQA: Reuse of the San José 2020 General Plan Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-081 - District 5

Ordinance No. 27125 was passed for publication.

11.3 Public Hearing on conforming prezoning of the property located at Summit and Kirk Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the south side of Summit Avenue, approximately 140 feet easterly of Kirk Avenue, from County to R-1-8 Residence Zoning District to allow single-family residential use on a 0.11 gross acre site. (Antonio Carrillo, Owner). CEQA: Reuse of the San José 2020 General Plan Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-095 - District 5

Ordinance No. 27126 was passed for publication.

- **Open Forum**

(1) Mark Trout spoke of his own religious beliefs.

- **Adjournment**

The Council of City of San José adjourned in memory of Mike Eaton, a long-time, dedicated City of San José employee in the Housing Department, husband of Kathy Eaton, a teacher in the Oak Grove School District, and father to Kevin and Chris Eaton.

The Council of City of San José adjourned at 7:35 p.m.